

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	Criminal No.: 09-CR-10330-GAO
v.)	
)	
(1) STRYKER BIOTECH, LLC,)	
(2) MARK PHILIP,)	
(3) WILLIAM HEPPNER,)	
(4) DAVID ARD and)	
(5) JEFFREY WHITAKER,)	
)	
Defendants.)	
)	

**GOVERNMENT'S MOTION TO DISMISS ALL COUNTS
AS TO DEFENDANT STRYKER BIOTECH LLC**

Pursuant to Fed. R. Crim. P. 48, the United States hereby moves to dismiss with prejudice Counts 1-13 of the Superseding Indictment, Counts 1-12 and 15 of the Indictment, and related forfeiture allegations, as to Defendant Stryker Biotech, LLC on the ground that Stryker Biotech LLC pled guilty to the Superseding Information, was sentenced, paid the criminal fine in its entirety, and the parties have agreed these remaining counts should be dismissed.

WHEREFORE, the United States respectfully requests that the Court dismiss with prejudice Counts 1-13 of the Superseding Indictment, Counts 1-12 and 15 of the Indictment, and related forfeiture allegations, as to Defendant Stryker Biotech LLC.

Respectfully submitted,

CARMEN M. ORTIZ
United States Attorney

By: /s/ Susan G. Winkler
Jeremy M. Sternberg
Susan G. Winkler
Gregory F. Noonan
Assistant U.S. Attorneys

IT IS SO ORDERED.

By: _____
The Hon. George A. O'Toole, Jr.
U.S. District Court Judge

Date: January 19, 2012

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Susan G. Winkler
Assistant United States Attorney

Date: January 19, 2012